

# **EXHIBIT A**

Approved, SCAO

Original - Court  
1st Copy- Defendant2nd Copy - Plaintiff  
3rd Copy -Return

<b>STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</b>	<b>SUMMONS</b>	<b>CASE NO. 21-001175-NI Hon.David J. Allen</b>
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Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-0250

<b>Plaintiff's name(s), address(es), and telephone no(s)</b> Cotter, Kie	v	<b>Defendant's name(s), address(es), and telephone no(s).</b> Larocque, Ovide G LINE RR2 RICHARDS LANDING, ON POR 1J0 (705) 206-8271
<b>Plaintiff's attorney, bar no., address, and telephone no</b>  Joseph F. Lucas 29595 155 W Congress St Ste 350 Detroit, MI 48226-3298		

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court,

where it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 1/27/2021	Expiration date* 4/28/2021	Court clerk Monica Atkinson
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Cathy M. Garrett- Wayne County Clerk.

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KIE COTTER,

Plaintiff,

Case No. 2021- 001175 -NI

vs.

Hon. David J. Allen

OVIDE LAROCQUE and HITACHI  
CAPITAL CANADA CORP.,

Defendants.

\_\_\_\_\_/

JOSEPH F. LUCAS (P29595)  
Skupin & Lucas, P.C.  
Attorneys for Plaintiff  
155 W. Congress, Suite 350  
Detroit, Michigan 48226  
(313) 961-0425

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

NOW COMES Plaintiff, Kie Cotter, by and through his attorneys, Skupin & Lucas, P.C., and for his Complaint against the Defendants, Ovide Larocque and Hitachi Capital Canada Corp., respectfully represents unto this Honorable Court as follows:

Document received by the MI Wayne 3rd Circuit Court.

**JURISDICTIONAL ALLEGATIONS**

1. Plaintiff, Kie Cotter, was at all times relevant hereto, a resident of the City of Mount Pleasant, County of Isabella, and State of Michigan.
2. Defendant, Ovide Larocque, was at all times relevant hereto a resident of the City of Richards Landing, Province of Ontario and Country of Canada.
3. Defendant, Hitachi Capital Canada Corp., is a foreign corporation, and is authorized to do business in the State of Michigan.
4. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars, exclusive of costs, interest and attorney fees, and is otherwise within the jurisdiction of this Court.

**FACTUAL ALLEGATIONS**

5. Plaintiff hereby incorporates by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.
6. On or about December 7, 2019, Plaintiff, Kie Cotter, was the driver in a 2004 Chevrolet Silverado pickup truck, bearing Michigan license plate BC14590, traveling eastbound on M-28 at or near Strong's Road in Chippewa Township, Chippewa County, State of Michigan.
7. On the aforesaid date, Defendant, Ovide Larocque, was the operator of a 2013 Freightliner truck/bus bearing Ontario, Canada license plate 1245, traveling eastbound on M-28 at or near Strong's Road in Chippewa Township, Chippewa County and State of Michigan.
8. Defendant Ovide Larocque, without warning, attempted to pass Plaintiff, who was lawfully traveling in an easterly direction on M-28, striking the side of Plaintiff's vehicle.



**COUNT I**

**(NEGLIGENCE OF DEFENDANT OVIDE LAROCQUE)**

9. Plaintiff hereby incorporates by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.

10. Defendant, Ovide Larocque, was operating the aforesaid vehicle in a negligent, careless and reckless manner, contrary to the Motor Vehicle Act of the State of Michigan, specifically among other things, as follows:

- a. Driving without due care and caution and in such a manner as to endanger the Plaintiff;
- b. Failing to drive said vehicle upon the highway at a careful and prudent speed, in violation of Mich. Comp. Laws Ann. Section 257.627 (Supp.
- c. Failing to drive said vehicle upon the highway at a speed not greater than would permit said defendant driver to bring said vehicle to a stop within the assured clear distance ahead, in violation of Mich. Comp. Laws Ann. Section 257.627 (Supp. 1982-83);
- d. Driving said vehicle upon a highway or other place open to the public including any area designated for the parking of motor vehicles, within the state, in a carelessly, heedlessly, wilful, wanton and reckless manner without due regard to the plaintiff and his property in violation of Mich. Comp. Laws Ann. Section 257.626 (1977);
- e. Failing to have said motor vehicle equipped with brakes adequate to control the movement of, and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be to apply the brakes to at least two wheels, in violation of Mich. Comp. Laws Ann. Section 257.705 (1977);
- f. Failing to use the available brakes with which his truck was equipped;
- g. Failing to drive at a careful and prudent speed, having due regard to the traffic, surface, and width of the highway, and other existing conditions, in violation of Mich. Comp. Laws Ann. Section 257.627 (1977); and
- h. Driving said vehicle on a highway or other area open to the general public in willful or wanton disregard for the safety of persons or property. Mich. Comp. Laws Ann. Section 257.626 (1977).

11. Defendant, Ovide Larocque, breached each and every one of his duties as aforesaid to Plaintiff.

12. As a direct and proximate result of Defendant, Ovide Larocque's, acts and omissions, constituting negligence, gross negligence and unlawful conduct, Plaintiff, Kie Cotter, has suffered the following severe personal injuries constituting serious impairments of body functions and permanent serious bodily disfigurements, including, but not limited to:

- a. Neck, Back and Left Shoulder injury;
- b. Traumatic Brain Injury with Neurocognitive deficits and Post Traumatic Stress Disorder;
- c. pain, suffering, embarrassment, humiliation, anxiety, inconvenience and loss of enjoyment of life; and loss of employment opportunities;
- d. other injuries and damages presently unknown, but which will be disclosed through discovery.

WHEREFORE, Plaintiff, Kie Cotter, prays this Court grant judgment in his favor and against Defendants, Ovide Larocque and Hitachi Capital Canada Corp, jointly and severally, for whatever amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars to which he is found entitled, together with costs, interest and attorney fees.

#### COUNT II

##### **(NEGLIGENCE, AGENCY AND OWNER'S LIABILITY CLAIM AS TO DEFENDANT HITACHI CAPITAL CANADA CORP.)**

13. Plaintiff hereby incorporates by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.

14. On the aforementioned date and time, Defendant, Hitachi Capital Canada Corp., was the owner of the 2013 Freightliner truck/bus bearing Ontario, Canada license

plate 1245, involved in the subject incident, and knowingly, willingly and negligently allowed same to be driven, operated, managed and/or controlled by Defendant, Ovide Larocque, when he knew or should have known that he would not be able to control said vehicle in a safe and careful manner in accordance with the Motor Vehicle Code of the State of Michigan and the Common Law and the Ordinances for the Township of Chippewa, County of Chippewa, in direct disregard for the safety of your Plaintiff.

15. Defendant, Ovide Larocque, was acting with the express and/or implied consent of Defendant, Hitachi Capital Canada Corp.

16. In addition to the allegations set out above, Defendant, Hitachi Capital Canada Corp., is liable for the negligence of Defendant, Ovide Larocque, under the doctrine of respondent superior and is also liable under the Owners Liability Statute, MCL 257.401 et seq.

WHEREFORE, Plaintiff, Kie Cotter, prays this Court grant judgment in his favor and against Defendants, Ovide Larocque and Hitachi Capital Canada Corp., jointly and severally, for whatever amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars to which he is found entitled, together with costs, interest and attorney fees.

Respectfully submitted,

SKUPIN & LUCAS, PC.

By: /s/ Joseph F. Lucas  
JOSEPH F. LUCAS (P29595)  
Attorneys for Plaintiff  
155 W. Congress, Suite 350  
Detroit, Michigan 48226  
(313) 961-0425

Dated: January 27, 2021



STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF ~~MIDLAND~~ WAYNE

KIE COTTER,

Plaintiff,

Case No. 2021- 001175 -NI

vs.

Hon. David J. Allen

OVIDE LAROCQUE and HITACHI  
CAPITAL CANADA CORP.,

Defendants.

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JOSEPH F. LUCAS (P29595)  
Skupin & Lucas, P.C.  
Attorneys for Plaintiff  
155 W. Congress, Suite 350  
Detroit, Michigan 48226  
(313) 961-0425

**JURY DEMAND**

NOW COMES Plaintiff, Kie Cotter, by and through his attorneys, Skupin & Lucas,  
P.C., and herewith makes demand for trial by jury.

Respectfully submitted,

SKUPIN & LUCAS, P.C.

By: /s/ Joseph F. Lucas  
JOSEPH F. LUCAS (P29595)  
Attorneys for Plaintiff  
155 W. Congress, Suite 350  
Detroit, Michigan 48226  
(313) 961-0425

Dated: January 27, 2021